

When we receive a planning application we undertake a period of publicity during which comments on the proposal can be sent to the local planning authority (LPA).

How do we publicise an application?

Anyone can submit comments raising objection, support or comment for an application. You do not need to have been formally notified or live close to a proposed development.

The requirements for publicity are set out in legislation which is summarised here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/table-1-statutory-publicity-requirements-for-planning-and-heritage-applications/>

Further details can be found here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>

For all planning applications, legislation requires that **either** a written notification be sent to properties that adjoin the application site **or** that a site notice is posted at or near the site.

We will also notify those who have previously commented on a proposal when any further subsequent applications on the same site are submitted within a reasonable period of time.

Discretion will be used to determine the time period.

How do I find the details of a planning application?

Search on our planning website <https://pa.midkent.gov.uk/online-applications/> to find details of current and historic planning applications.

If you register on the website you will be able to submit comments online regarding current applications. You will also be able to register an interest on any site, road or defined area and receive notifications when updates or changes are made. You would also be notified of any new applications made in this search area.

How do I object to, support or comment on a planning application?

All comments must be made in writing – verbal comments cannot be accepted. You can submit your comments:

- Online at <http://pa.midkent.gov.uk/online-applications/>
- Email planningcomments@midkent.gov.uk
- Write to us at

Mid Kent Planning Support
Maidstone House
King Street
Maidstone
ME15 6JQ

If you send a comment by email or online, you do not need to send us a copy by post as all comments received carry the same weight.

Your comments must:

- Be dated
- Provide your name and address. Anonymous comments will not usually be taken into account
- State the application number and site address

Comments that contain personal, racist, defamatory or derogatory material will not be taken into consideration or published. This also applies to photos that include images of people or any personal details. We also do not accept video recordings.

Will we publish your personal details?

When you submit a comment the details are held on file by the Council. This does not give permission for re-use of the information, for any purpose. What this means is that:

- Your comment including your name and address will form part of the planning application documents and will be available for public inspection on the website and any other form of application record.
- We will not publish the following personal information: signatures, phone numbers, email addresses on the website. Business contact details will be published.

- We do not publish medical or commercially sensitive information.
- Letters marked confidential will not normally be taken into account as they cannot be made publicly available. If you want it to remain confidential please mark this clearly at the beginning of your comment.
- Any comments received will be retained on the public file and will be kept publicly viewable during the appraisal period and after the decision has been made.

Exceptions

In exceptional circumstances we will consider keeping your name and/ or address confidential e.g. if a person is officially recorded as being the subject of harassment. If you feel your comment should be kept confidential please write a letter setting out your reasons and marked "confidential" to the Head of Planning who will make a judgement and advise you whether or not submission of a comment without the required personal details is possible.

As an alternative to the above you can submit your comment to your local Councillor who can submit to us on your behalf. This way your name is not mentioned and your comment will be taken into consideration.

How long do you have to submit your comment?

The time period for making comments will be set out in the publicity (site notice or advert) accompanying the planning application or under the "Important Dates" tab on the planning website. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

Once the publicity period has finished the LPA can proceed to determine the planning application. To ensure comments are taken into account it is important to submit them before the statutory deadline. However, in practice all written comments received up until the decision is made will be considered, subject to being relevant to planning matters.

Will further publicity take place if an application is altered or amended?

If an application is amended or altered before a decision is issued there is no statutory requirement for further publicity and consultation to take place. The LPA has discretion to decide when this is necessary. In making this judgement we will consider the following:

- were objections or reservations raised in the original consultation stage substantial or sufficient to justify further publicity?
- are the proposed changes significant?

- do the changes have an impact that is more harmful than the original plans?
- did earlier comments received cover the issues raised by the proposed changes?

If we decide that this is necessary, it is open to us to decide who will be included and the timeframe for responses, balancing the need for publicity against the need for efficient decision making.

What happens when I comment on an application?

If you submit a comment through the website or via email you will receive an automatically generated acknowledgement. If your comment is submitted by post it will not be acknowledged.

Due to the large number of responses received it is not possible to respond personally to matters/questions raised. Your comments will be summarised in the officer's report and any significant and relevant matters will be addressed in the appraisal.

How do we take account of your comments?

Most planning applications are decided by planning officers and these are known as delegated decisions. Some decisions are made by our Planning Committee which is made up of elected Council Members. In both cases a report is prepared by the case officer which explains the application, gives a summary of the comments we have received and addresses any material planning matters and policies that apply. As most planning decisions are about balancing different views, the case officer will take account of the arguments for and against a proposal, before reaching a recommendation. Please remember that the purpose of planning control is to protect the interests of the general public, not the private interests of an individual.

If you have commented on an application and the decision is to be made by the Planning Committee we will notify you of the date, time and location of the meeting and provide details about your opportunity to speak at the meeting. Please note that no more than 5 working days' notice of the meeting and arrangements can be given.

What can you comment on?

When assessing an application we have a legal duty to consider all material planning matters and relevant planning policies (including national policy, local plan policies and approved Supplementary Planning Document, Development Plan Documents etc.)

All comments we receive about a planning application will be noted, but only planning issues can be taken into account. These include:

- Overshadowing
- Loss of light or privacy
- Visual appearance
- Parking provision
- Traffic the proposal would generate and effects on highway safety
- Noise, smells and disturbance resulting from use
- Loss of trees or other important landscape features
- Design, appearance and materials proposed to be used
- Effect on listed buildings and on the character of a conservation area
- Layout and density of proposed buildings
- Flooding
- Wildlife

Examples of matters we cannot normally take into account:

- Matters controlled by Building Regulations or other non-planning laws such as structural stability, fire precautions and environmental health
- Private rights and issues between neighbours, for example disputes over land ownership or boundaries, damage to property, private rights of way, covenants and private agreements
- Loss of value of a property
- Possible problems associated with the building work, for example, hours of work, noise, dust and construction vehicles
- Loss of a view
- Private interests of objectors and competition between rival companies
- Any personal issues or circumstances relating to an applicant or business

How can you find out about the decision on the application?

The target date for making the decision on any application can be found on the website under the tab entitled "Important Dates". Please be aware that whilst we aim to determine most applications within the initial target time, this date can be extended or exceeded.

Due to the number of applications we deal with we will **not** notify you when the decision is made or provide individual notification of whether an application is approved or refused. All decisions are supported by the case officers report and a decision notice, both of which will be displayed on the Councils planning website under the 'Documents' tab.

What happens after a decision has been issued?

If planning permission is granted there will usually be a three year period for work to start on site or for the change of use to be implemented.

Changes to approved plans:

Sometimes an applicant will request that minor changes be made to the approved plans and / or details. Whether we carry out publicity in such circumstances is dependent on the nature of the change. Details of requests made to change a scheme will be displayed on the Councils planning website and once made the decision will also be viewable.

What happens if the decision is appealed?

Following a decision to refuse permission for a householder, minor commercial or advertisement type applications, all comments received by the LPA before the decision was made will be forwarded to the Planning Inspectorate. If you submitted comments to the LPA or your property adjoins the appeal site we will write to you to advise that an appeal has been submitted but there will be no opportunity to make further representations.

For appeals for all other application types you are able to submit additional comments to the Planning Inspectorate (or if sent to the Council they will be forwarded to the Inspectorate). As part of the appeal process we are required to write to all those who submitted comments on the application and those adjoining the site, advising of the submission of the appeal, the process to be followed and the timetable for determination.